

**ASSEMBLY BILL**

**No. 1170**

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**Introduced by Assembly Member Charles Calderon**

February 27, 2009

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An act to add Section 290.47 to the Penal Code, relating to sex offenders, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 1170, as introduced, Charles Calderon. Registered sex offenders: rental housing: consumer information booklet.

Existing law requires a person who has been convicted of specified crimes to register as a sex offender and establishes the procedures for registration. Existing law also requires leases and rental agreements for residential real property to contain a notice regarding information about specified registered sex offenders made available to the public via an Internet Web site maintained by the Department of Justice.

This bill would require the Department of Justice to make available to the public a consumer information booklet providing federal and state law relating to sex offender registration as it relates to the lease or rental of real property. The bill would also provide that if the consumer information booklet is delivered to a prospective or current resident by the owner or owner's agent in connection with the lease or rental of residential real property, the owner or owner's agent is not required to provide additional information on this subject, as specified.

The bill would create the Megan's Law Disclosure Booklet for Landlords and Tenants Fund, would continuously appropriate voluntary contributions or donations received into the fund to the department to pay for the costs directly associated with the consumer information booklet, and would provide that the department need not incur any cost

associated with the provisions of this bill until sufficient contributions to the fund have been deposited.

Vote: majority. Appropriation: yes. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 290.47 is added to the Penal Code, to  
2 read:

3 290.47. (a) The Department of Justice shall make available to  
4 the public a consumer information booklet in a question and answer  
5 format that shall educate and inform consumers about federal and  
6 state law relating to persons who are required to register pursuant  
7 to Section 290 as it relates to the lease or rental of real property.  
8 The consumer information booklet shall include the following:

9 (1) General information concerning federal and state laws  
10 relating to persons who are required to register pursuant to Section  
11 290.

12 (2) Information regarding the statutory duty to disclose specific  
13 language in subdivision (b) of Section 2079.10a of the Civil Code  
14 to a prospective resident.

15 (3) A discussion about legal access and use of information  
16 contained in the department’s Internet Web site.

17 (4) Disclosure duties and obligations, if any, of an owner or  
18 owner’s agent regarding a sex offender on or about the property.

19 (5) Duties and rights of an owner or owner’s agent associated  
20 with the discovery that a tenant or prospective tenant is a registered  
21 sex offender, including those relating to the denial to rent or lease  
22 to a prospective resident and the termination of a rental or lease  
23 agreement on the basis of a conviction for an offence requiring  
24 registration as a sex offender.

25 (b) If the consumer information booklet is delivered to a  
26 prospective resident or current resident by the owner or owner’s  
27 agent in connection with the lease or rental of residential real  
28 property, the owner or owner’s agent shall not be required to  
29 provide additional information concerning this subject, and the  
30 information shall be deemed to be adequate to inform the  
31 prospective resident or resident regarding the information that is  
32 contained in the booklet.

1 (c) Notwithstanding subdivision (a), this section does not alter  
2 the duty of an owner or owner’s agent to report and otherwise act  
3 on the existence of known illegal activity on or affecting the real  
4 property.

5 (d) The Department of Justice may receive voluntary  
6 contributions or donations to pay for the costs directly associated  
7 with the research, development, and public release of the consumer  
8 information booklet. Voluntary contributions or donations shall  
9 be deposited into the Megan’s Law Disclosure Booklet for  
10 Landlords and Tenants Fund, which is hereby created in the State  
11 Treasury. Only moneys contributed or donated for the purposes  
12 of this section may be deposited into the fund. The fund shall be  
13 credited with all investment income earned by moneys in the fund.  
14 The moneys received in contributions or donations for the purposes  
15 of this section are not part of the General Fund as defined in  
16 Section 16300 of the Government Code and are special funds held  
17 in trust for those purposes. Notwithstanding Section 13340 of the  
18 Government Code, moneys in the fund from voluntary  
19 contributions or donations are hereby continuously appropriated  
20 to the department without regard to fiscal years and shall be used  
21 to support the department’s costs associated with the  
22 implementation of this section. However, the Department may  
23 delay incurring any cost associated with the implementation of  
24 this section until sufficient voluntary contributions have been  
25 deposited in the fund to pay those costs.

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